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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,077	09/10/2003	Anthony J. Baerlocher	0112300-1530	5899
29159	7590	10/20/2005	EXAMINER	
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			WILLIAMS, ROSS A	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/660,077	BAERLOCHER ET AL.	
	Examiner	Art Unit	
	Ross A. Williams	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/27/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/10/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/21/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 2 recites the limitation "the second component" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the first component" in line 26. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the second component" in line 30. There is insufficient antecedent basis for this limitation in the claim.

Claims 7 -10 recites the limitation "the first component" in lines 1, 6 and 10 and "the second component" in line 2, 5 and 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 6 and 9 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (US 2003/0054873) in view of Brune et al. (US 5,851,148) in further view of Schneider et al. (US 2003/0027638).

Regarding claim 1, Peterson discloses a primary game wherein a wager may have multiple components (Peterson page 4:par 41). These components of a wager may consist of varying the wager per payline or varying the amount of paylines wagered upon. (Peterson Page 4:par 41). Peterson also discloses that in order for a player to be eligible for bonus play, the slot machine may require a player to wager on a certain amount of paylines or wager the maximum amount on each payline (Peterson Page 4: par 46). Peterson does not disclose a bonus round meter that is changed based upon the components of the primary game wager, wherein when a designated level is reached on the meter an award is generated. Brune et al. teaches a bonus meter that is progressive meaning that the bonus meter will increase at the rate of one credit for each predetermined increment of credits played (Brune et al 2:58 – 60). The bonus meter is changed based upon the second component of the primary game wager because the primary game wager in Peterson's disclosure consists of the first and second components of a wager. Schneider et al. discloses a known method of distributing a bonus pool. A bonus pool (i.e. bonus meter) may accumulate each time a participating game device is played. Once the minimum bonus pool level is reached the bonus pool is distributed to the gaming device that caused the bonus pool to reach the minimum or another game machine (Schneider et al page 1:par 6).

One of ordinary skill in the art would be motivated to modify Peterson in view of Brune and in further view of Schneider et al. for the purpose of providing a primary game comprising a wager with variable components, wherein the game also consists of a bonus game that consists of a bonus meter that is based upon the variable wagers of the primary game, wherein the bonus meter is awarded upon the bonus meter reaching a designated level. Bonus meters such as progressive jackpots that are based upon base game wagers are commonly used in the art. They provide larger than usual awards when compared to non-progressive games. By awarding a player the value of a bonus pool or meter when it reaches a designated level is beneficial due to the fact that a player can be sure that eventually the level will be reached. The odds of the level being reached are not as "large" when compared to the odds of winning a bonus pool upon a random outcome of the primary or bonus game.

Regarding claims 2, 10, 17, 22, 19 and 24, Peterson does not disclose a bonus meter, wherein the bonus meter has a linearly proportional relationship with the second variable component of the wager. Brune et al teaches a bonus pool that is affected linearly in relation to the amount of the credits wagered. The bonus pool will increase at the rate of one credit for each predetermined increment of credits played (Brune et al page 2:par 58 – 60).

One of ordinary skill in the art would be motivated to modify Peterson in view of Brune to provide a game that consists of a bonus pool wherein the bonus pool is affected linearly so a player can easily track the value of the bonus pool.

Regarding claim 3, Peterson discloses that the base game can be games such as poker, blackjack, keno or others (Peterson page 2:par 28).

Regarding claim 4, 18 and 23, Peterson does not disclose a bonus meter that remains unchanged upon a player cashing out of a game. Brune et al discloses a bonus meter that offers a progressive jackpot. The progressive jackpot is a jackpot that is won if the bonus play is won. Thus a player can cashout of a game whenever he chooses to do so and the progressive award will remain unaffected.

One of ordinary skill in the art would be motivated to modify Peterson in view of Brune et al. to provide a bonus meter that is not affected by a player cashing out of the game. A player is more likely to play again for this type of jackpot if the jackpot does not change or reset upon players cashing out.

Regarding claims 5 and 6, Peterson discloses that primary game wherein the player makes a wager. This wager can be made up of many different components (Peterson Page 4:par 41). Peterson discloses that two of the components that comprise the wager are max lines bet and max bets per line. Peterson discloses that each of these components may have a minimum or threshold value associated with them to determine a player's eligibility for bonus game play (Peterson Page 4:par 41, 46).

Regarding claim 9, Peterson discloses a wager that is made that consists of multiple variable components as discussed above. Peterson also discloses that in order for a player to be eligible for the bonus game that one component of the wager is the maximum amount wagered or the max bet (Peterson page 4:par 46).

Regarding claim 11, Peterson discloses that the award generation event is associated with a video display. Upon entering the bonus game and if the player wins then the machine will pay an award to the player. This is all displayed upon a video screen (Peterson page 4:par 48).

Regarding claims 12 and 13, it is well known in the art to control gaming machines through a computer network or internet. Peterson also discloses gaming machines that are controlled over a network or internet (Peterson page 3:par 36).

Regarding claims 14, 15, 20 and 25, Peterson also discloses an alternative embodiment wherein a player makes a wager at a game machine. If the wager made is less than a certain amount for the number of paylines or per each payline, a second bonus game will be triggered that offers a different payout.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (US 2003/0054873) in view of Brune et al. (US 5,851,148) in view of Schneider et al. (US 2003/0027638) and further in view of Moody (US 5,823,873).

Regarding claims 7 and 8, Peterson discloses a game wherein a player can make a primary wager that consists of multiple components (Peterson Page 4:par 41). Peterson also explicitly states that that poker and other types of cards games are within the scope of his disclosure. Peterson however, does not disclose that the first component of a wager is a number of hands played and the second component is a wager placed per hand played. Nor does Peterson explicitly disclose that the first component is a wager placed per hand played and the second component is a number of hands played. Moody discloses a multihand video poker game wherein the player is dealt multiple hands of cards and the player makes multiple wagers on the hands of cards. Thus the player's wager comprises a component relating to the number of hands played and another component relating to the wager placed upon each hand (Moody 6:30 –33, 60 – 63).

One of ordinary skill in the art would be motivated to combine the teachings of Peterson in view of Brune and in further view of Schneider et al. and in further view of Moody to provide a game that consists of multiple hands of cards wherein the components of a players wager is based upon the wager on each hand and the number of hands of cards played. Players are attracted to multihand type games because they feel that their chances for winning are greater than if only dealt a single hand of cards.

Citation of Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0155873: Discloses a system and method for executing trades for bonus activity in gaming systems.

US 6,217,448: Discloses a progressive jackpot system.

US 6,224,484: Discloses a progressive gaming system.

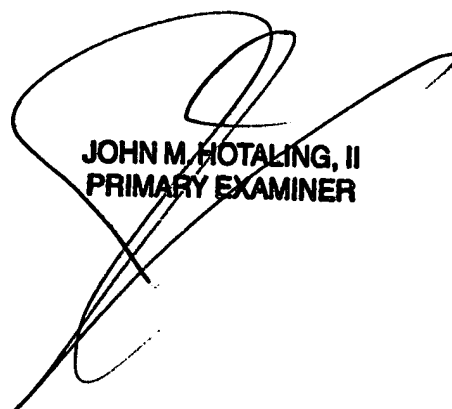
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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RAW
10/15/2005



JOHN M. HOTALING, II
PRIMARY EXAMINER